

By: Fraser, et al.

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A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requirements to vote, including presenting proof of  
3 identification; providing criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 15, Election Code, is  
6 amended by adding Section 15.005 to read as follows:

7 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

8 (a) The voter registrar of each county shall provide notice of the  
9 identification requirements for voting prescribed by Chapter 63 and  
10 a detailed description of those requirements with each voter  
11 registration certificate issued under Section 13.142 or renewal  
12 registration certificate issued under Section 14.001.

13 (b) The secretary of state shall prescribe the wording of  
14 the notice to be included on the certificate under this section.

15 SECTION 2. Subsection (a), Section 15.022, Election Code,  
16 is amended to read as follows:

17 (a) The registrar shall make the appropriate corrections in  
18 the registration records, including, if necessary, deleting a  
19 voter's name from the suspense list:

20 (1) after receipt of a notice of a change in  
21 registration information under Section 15.021;

22 (2) after receipt of a voter's reply to a notice of  
23 investigation given under Section 16.033;

24 (3) after receipt of a registration omissions list and

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1 any affidavits executed under Section 63.006 [~~63.007~~], following an  
2 election;

3 (4) after receipt of a voter's statement of residence  
4 executed under Section 63.0011;

5 (5) before the effective date of the abolishment of a  
6 county election precinct or a change in its boundary;

7 (6) after receipt of United States Postal Service  
8 information indicating an address reclassification;

9 (7) after receipt of a voter's response under Section  
10 15.053; or

11 (8) after receipt of a registration application or  
12 change of address under Chapter 20.

13 SECTION 3. Subchapter A, Chapter 31, Election Code, is  
14 amended by adding Section 31.012 to read as follows:

15 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
16 secretary of state and the voter registrar of each county that  
17 maintains a website shall provide notice of the identification  
18 requirements for voting prescribed by Chapter 63 on each entity's  
19 respective website. The secretary of state shall prescribe the  
20 wording of the notice to be included on the websites.

21 (b) The secretary of state shall conduct a statewide effort  
22 to educate voters regarding the identification requirements for  
23 voting prescribed by Chapter 63.

24 SECTION 4. Section 32.111, Election Code, is amended by  
25 adding Subsection (c) to read as follows:

26 (c) The training standards adopted under Subsection (a)  
27 must include provisions on the acceptance and handling of the

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1 identification presented by a voter to an election officer under  
2 Section 63.001.

3 SECTION 5. Subsection (a), Section 32.114, Election Code,  
4 is amended to read as follows:

5 (a) The county clerk shall provide one or more sessions of  
6 training using the standardized training program and materials  
7 developed and provided by the secretary of state under Section  
8 32.111 for the election judges and clerks appointed to serve in  
9 elections ordered by the governor or a county authority. Each  
10 election judge shall complete the training program. Each election  
11 clerk shall complete the part of the training program relating to  
12 the acceptance and handling of the identification presented by a  
13 voter to an election officer under Section 63.001.

14 SECTION 6. Chapter 62, Election Code, is amended by adding  
15 Section 62.016 to read as follows:

16 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
17 POLLING PLACES. The presiding judge shall post in a prominent place  
18 on the outside of each polling location a list of the acceptable  
19 forms of identification. The notice and list must be printed using  
20 a font that is at least 24-point.

21 SECTION 7. Section 63.001, Election Code, is amended by  
22 amending Subsections (b), (c), (d), and (f) and adding Subsections  
23 (g) and (h) to read as follows:

24 (b) Except as provided by Subsection (h), on [en] offering  
25 to vote, a voter must present to an election officer at the polling  
26 place one form of identification listed in Section 63.0101 [the  
27 voter's voter registration certificate to an election officer at



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1 ~~the polling place~~].

2 (c) On presentation of the documentation required by  
3 Subsection (b) [a registration certificate], an election officer  
4 shall determine whether the voter's name on the documentation  
5 [registration certificate] is on the list of registered voters for  
6 the precinct.

7 (d) If the voter's name is on the precinct list of  
8 registered voters and the voter's identity can be verified from the  
9 documentation presented under Subsection (b), the voter shall be  
10 accepted for voting.

11 (f) After determining whether to accept a voter, an election  
12 officer shall return the voter's documentation ~~[registration~~  
13 ~~certificate]~~ to the voter.

14 (g) If the requirements for identification prescribed by  
15 Subsection (b) are not met, the voter may be accepted for  
16 provisional voting only under Section 63.011. For a voter who is  
17 not accepted for voting under this section, an election officer  
18 shall:

19 (1) inform the voter of the voter's right to cast a  
20 provisional ballot under Section 63.011; and

21 (2) provide the voter with written information, in a  
22 form prescribed by the secretary of state, that:

23 (A) lists the requirements for identification;

24 (B) states the procedure for presenting  
25 identification under Section 65.0541;

26 (C) includes a map showing the location where  
27 identification must be presented; and

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1                    (D) includes notice that even if all procedures  
2 are followed, there is no guarantee a provisional ballot will be  
3 accepted.

4                    (h) The requirements for identification prescribed by  
5 Subsection (b) do not apply to a voter who:

6                    (1) presents the voter's voter registration  
7 certificate on offering to vote; and

8                    (2) was 70 years of age or older on January 1, 2012, as  
9 indicated by the date of birth on the voter's voter registration  
10 certificate.

11                    SECTION 8. Subsection (a), Section 63.0011, Election Code,  
12 is amended to read as follows:

13                    (a) Before a voter may be accepted for voting, an election  
14 officer shall ask the voter if the voter's residence address on the  
15 precinct list of registered voters is current and whether the voter  
16 has changed residence within the county. If the voter's address is  
17 omitted from the precinct list under Section 18.005(c), the officer  
18 shall ask the voter if the voter's residence, if [as] listed, on  
19 identification presented by the voter under Section 63.001(b) [the  
20 voter's voter registration certificate] is current and whether the  
21 voter has changed residence within the county.

22                    SECTION 9. Chapter 63, Election Code, is amended by adding  
23 Section 63.0012 to read as follows:

24                    Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
25 CERTAIN VOTERS. (a) An election officer shall distribute written  
26 notice of the identification that will be required to vote in  
27 elections held after January 1, 2012, and information on obtaining

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1 identification without a fee under Section 521.422, Transportation  
2 Code, to each voter who, when offering to vote, presents a form of  
3 identification that will not be sufficient for acceptance as a  
4 voter under this chapter beginning with those elections.

5 (b) The secretary of state shall prescribe the wording of  
6 the notice and establish guidelines for distributing the notice.

7 (c) This section expires September 1, 2013.

8 SECTION 10. Section 63.006, Election Code, is amended to  
9 read as follows:

10 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT  
11 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to  
12 vote, presents the documentation required under Section 63.001(b)  
13 ~~[a voter registration certificate indicating that the voter is~~  
14 ~~currently registered in the precinct in which the voter is offering~~  
15 ~~to vote]~~, but whose name is not on the precinct list of registered  
16 voters, shall be accepted for voting if the voter also presents a  
17 voter registration certificate indicating that the voter is  
18 currently registered:

19 (1) in the precinct in which the voter is offering to  
20 vote; or

21 (2) in a different precinct from the one in which the  
22 voter is offering to vote and the voter executes an affidavit  
23 stating that the voter:

24 (A)(i) is a resident of the precinct in which the  
25 voter is offering to vote or is otherwise entitled by law to vote in  
26 that precinct; or

27 (ii) was a resident of the precinct in which



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1 the voter is offering to vote at the time the information on the  
2 voter's residence address was last provided to the voter registrar;  
3 (B) did not deliberately provide false  
4 information to secure registration in a precinct in which the voter  
5 does not reside; and

6 (C) is voting only once in the election.

7 (b) After the voter is accepted, an election officer shall:

8 (1) indicate beside the voter's name on the poll list  
9 that the voter was accepted under this section; and  
10 (2) if applicable, enter on the registration omissions  
11 list the precinct of the voter's registration as indicated by the  
12 voter's registration certificate.

13 SECTION 11. Section 63.009, Election Code, is amended to  
14 read as follows:

15 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.  
16 A [(a) Except as provided by Subsection (b), a] voter who does not  
17 present a voter registration certificate when offering to vote, and  
18 whose name is not on the list of registered voters for the precinct  
19 in which the voter is offering to vote, shall be accepted for  
20 provisional voting if the voter executes an affidavit in accordance  
21 with Section 63.011.

22 [(b) If an election officer can determine from the voter  
23 registrar that the person is a registered voter of the county and  
24 the person presents proof of identification, the affidavits  
25 required by Sections 63.007 and 63.008 are substituted for the  
26 affidavit required by Section 63.011 in complying with that  
27 section. After the voter is accepted under this subsection, an

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1 ~~election officer shall also indicate beside the voter's name on the~~  
2 ~~poll list that the voter was accepted under this section.]~~

3 SECTION 12. Section 63.0101, Election Code, is amended to  
4 read as follows:

5 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
6 The following documentation is an acceptable form ~~[as proof]~~ of  
7 photo identification under this chapter:

8 (1) a driver's license or personal identification card  
9 issued to the person by the Department of Public Safety that has not  
10 ~~[or a similar document issued to the person by an agency of another~~  
11 ~~state, regardless of whether the license or card has] expired;~~

12 (2) a United States military identification card that  
13 contains the person's photograph that has not expired ~~[form of~~  
14 ~~identification containing the person's photograph that establishes~~  
15 ~~the person's identity];~~

16 (3) a ~~[birth certificate or other document confirming~~  
17 ~~birth that is admissible in a court of law and establishes the~~  
18 ~~person's identity,~~

19 ~~[(4)]~~ United States citizenship certificate ~~[papers]~~  
20 issued to the person that contains the person's photograph; or

21 (4) [(5)] a United States passport issued to the  
22 person that has not expired ~~[+~~

23 ~~[(6)] official mail addressed to the person by name~~  
24 ~~from a governmental entity,~~

25 ~~[(7)] a copy of a current utility bill, bank statement,~~  
26 ~~government check, paycheck, or other government document that shows~~  
27 ~~the name and address of the voter, or~~



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1           ~~[(8) any other form of identification prescribed by~~  
2 ~~the secretary of state].~~

3           SECTION 13. Subsections (a) and (b), Section 63.011,  
4 Election Code, are amended to read as follows:

5           (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009  
6 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person  
7 executes an affidavit stating that the person:

8                   (1) is a registered voter in the precinct in which the  
9 person seeks to vote; and

10                   (2) is eligible to vote in the election.

11           (b) A form for an affidavit required by this section shall  
12 be printed on an envelope in which the provisional ballot voted by  
13 the person may be placed and must include a space for entering the  
14 identification number of the provisional ballot voted by the person  
15 and a space for an election officer to indicate whether the person  
16 presented a form of identification described by Section 63.0101.

17 The affidavit form may include space for disclosure of any  
18 necessary information to enable the person to register to vote  
19 under Chapter 13. The secretary of state shall prescribe the form  
20 of the affidavit under this section.

21           SECTION 14. Subsection (b), Section 64.012, Election Code,  
22 is amended to read as follows:

23           (b) An offense under this section is a felony of the second  
24 ~~[third]~~ degree unless the person is convicted of an attempt. In  
25 that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

26           SECTION 15. Subsection (b), Section 65.054, Election Code,  
27 is amended to read as follows:

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1 (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if  
 2 the board determines that, from the information in the affidavit or  
 3 contained in public records, the person is eligible to vote in the  
 4 election and has not previously voted in that election and the  
 5 person meets the identification requirements of Section 63.001(b)  
 6 in the period prescribed under Section 65.0541.

7 SECTION 16. Subchapter B, Chapter 65, Election Code, is  
 8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
 10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
 11 voting under Section 63.011 because the voter does not meet the  
 12 identification requirements of Section 63.001(b) may, not later  
 13 than the sixth day after the date of the election, present proof of  
 14 identification to the voter registrar for examination by the early  
 15 voting ballot board.

16 (b) The secretary of state shall prescribe procedures as  
 17 necessary to implement this section.

18 SECTION 17. Section 66.0241, Election Code, is amended to  
 19 read as follows:

20 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4  
 21 must contain:

- 22 (1) the precinct list of registered voters;
- 23 (2) the registration correction list;
- 24 (3) the registration omissions list;
- 25 (4) any statements of residence executed under Section
- 26 63.0011; and
- 27 (5) any affidavits executed under Section 63.006

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1 ~~[63.007]~~ or 63.011.

2 SECTION 18. Section 521.422, Transportation Code, is  
3 amended by amending Subsection (a) and adding Subsection (d) to  
4 read as follows:

5 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for  
6 a personal identification certificate is:

- 7 (1) \$15 for a person under 60 years of age;  
8 (2) \$5 for a person 60 years of age or older; and  
9 (3) \$20 for a person subject to the registration  
10 requirements under Chapter 62, Code of Criminal Procedure.

11 (d) The department may not collect a fee for a personal  
12 identification certificate issued to a person who states that the  
13 person is obtaining the personal identification certificate for the  
14 purpose of satisfying Section 63.001(b), Election Code, and:

15 (1) who is a registered voter in this state and  
16 presents a valid voter registration certificate; or

17 (2) who is eligible for registration under Section  
18 13.001, Election Code, and submits a registration application to  
19 the department.

20 SECTION 19. Effective January 1, 2012, Sections 63.007 and  
21 63.008, Election Code, are repealed.

22 SECTION 20. As soon as practicable after the effective date  
23 of this section:

- 24 (1) the secretary of state shall adopt the training  
25 standards and develop the training materials required to implement  
26 the change in law made by this Act to Section 32.111, Election Code;  
27 and



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1           (2) the county clerk of each county shall provide a  
2 session of training under Section 32.114, Election Code, using the  
3 standards adopted and materials developed to implement the change  
4 in law made by this Act to Section 32.111, Election Code.

5           SECTION 21. The change in law made by this Act applies only  
6 to an offense committed on or after January 1, 2012. An offense  
7 committed before January 1, 2012, is covered by the law in effect  
8 when the offense was committed, and the former law is continued in  
9 effect for that purpose. For purposes of this section, an offense  
10 is committed before January 1, 2012, if any element of the offense  
11 occurs before that date.

12           SECTION 22. State funds disbursed under Chapter 19,  
13 Election Code, for the purpose of defraying expenses of the voter  
14 registrar's office in connection with voter registration may also  
15 be used for additional expenses related to coordinating voter  
16 registration drives or other activities designed to expand voter  
17 registration. This section expires January 1, 2013.

18           SECTION 23. (a) Except as provided by Subsection (b) of  
19 this section, this Act takes effect January 1, 2012.

20           (b) The changes in law made by Sections 1, 3, 4, 5, 9, 20,  
21 and 22 of this Act take effect September 1, 2011.